

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 869 of 2021**

Nitesh Vishwakarma S/o. Kamal Singh Vishwakarma, Aged About 29 Years, R/o. Ward No. 18, Jatrapura, Tehsil and District Vidisha (Madhya Pradesh).

---- Applicant**Versus**

State of Chhattisgarh Through Police Station City Kotwali, District Raipur (Chhattisgarh) (as Per initial paragraph of impugned order).

---- Non-applicant

For Applicant	: Mr. Shubhank Tiwari, Advocate
For Non-applicant/State	: Ms. Anjali Singh Chauhan, Panel Lawyer
For Objector	: Mr. S.P. Sahu, Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

02.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 97 of 2021 registered at Police Station City Kotwali, District Raipur, for offence punishable under Sections 354, 294 and 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, complainant lodged a written report on 30.03.2021 mentioning that she had taken loan from the applicant of Rs.30,000/- for her household work, in the month of October 2020, applicant came to Raipur at police line and took her behind the bus, tried to outrage her modesty. When

she objected, he ran away from the spot, threatening her. From 28.01.2021 to 13.03.2021, applicant continuously abused her husband and also given him threatening on her mobile phone. The report was lodged on 30.03.2021, based upon which, instant crime was registered against the applicant.

3. Mr. Shubhank Tiwari, learned counsel for the applicant submits that there was no transaction between complainant and applicant of taking loan. He further submits that date of incident has been shown as October 2020 and place of incident as police line. He contended that the police line area of Raipur is one of the busy area and that too in the morning at about 9.30 A.M., many persons might be present near the alleged place of incident. He further referred to mobile chat enclosed along with application to show that complainant has lodged report only under the pressure of her husband. He pointed out that as there was only friendly relationship of complainant and applicant, husband was not liking and has made false allegation through his wife against the present applicant.
4. Per contra, Ms. Anjali Singh Chouhan, Panel Lawyer for the State vehemently opposes the bail application and submits that incident of outraging of modesty was of the year 2020, but thereafter, applicant continuously abused and threatened the husband of complainant on mobile phone. She submits that during the course of investigation, police has collected mobile chat of husband and complainant wherein present applicant has also threatened him and stated that he has sent photographs of complainant in the

mobile phone of her husband, hence, applicant is not entitled for grant of bail.

5. Mr. S.P. Sahu, learned counsel for the objector submits that applicant after commission of crime on October 2020 is continuously harassing her by sending some photographs, abusing and threatening the husband of complainant, hence, he is not entitled for grant of bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and material collected by the police during the course of investigation, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
8. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge